

EXHIBIT C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESTER LORUSSO,

PLAINTIFF,

-against-

Case No:

1:07 cv 03583-LBS

ORIGINAL

ALITALIA LINEE AEREE ITALIANE S.p.A.,

DEFENDANT.

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DATE: January 15, 2008

TIME: 10:05 a.m.

EXAMINATION BEFORE TRIAL of the
Defendant, ALITALIA LINEE AEREE ITALIANE S.p.A,
by a Witness, ANDREA PORRU, taken by the
Plaintiff, pursuant to Notice, and to the
Federal Rules of Civil Procedure, held at the
offices of The Ottinger Firm, P.C., 19 Fulton
Street, New York, New York 10019, before Nina
Velovic, a Notary Public of the State of New
York.

PORRU

December 2005.

Q. How long have you been employed by Alitalia?

A. Four years and a half.

Q. As human resource director of the Americas, what were your job duties?

A. My job duties, my main responsibility I will say it is to manage and develop human resources activities and projects within America area, providing leadership and ensuring solution and coordination of the chart in order to achieve company's goal.

Q. What is the company's goal?

A. Depends from the period.

Q. In 2004, what was the company's goal?

A. To rescue the company because we were facing a big financial crisis.

Q. In 2005, what was the company's goal?

A. To continue to rescue the company because of the financial crisis and difficulties in the market.

Q. In 2006?

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2 an e-mail. But I saw from the material gave
3 from Mr. Longo that the decision was taken with
4 the head office.

5 Q. Did you ever prepare an e-mail to
6 the head office regarding their decision to
7 make such a decision?

8 A. No, because the e-mail provided
9 from Mr. Longo about the decision were quite
10 clear for the situation. I don't see here in
11 this e-mail but there are several e-mails
12 regarding this point.

13 Q. If you could look at page two of
14 the document, No. 2. I'm going to read this
15 for the record. This is part of an e-mail that
16 you sent to Walter Longo?

17 A. Yes.

18 Q. And No. 2 states "Ms. Lorusso
19 claims that she has nobody reporting to her in
20 her position of director cargo marketing
21 communications, whereas on the passenger side
22 the similar position that she occupied had a
23 staff of about 14. Is it true that nobody
24 reports to Ms. Lorusso now? If so, why does
25 the director of cargo marketing communications

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2 not require a staff? Is this because, as Ms.
3 Lorusso claims, all cargo advertising is placed
4 out of the Rome office? If that is true, what
5 responsibilities does the director of cargo
6 marketing communications in New York have?"

7 A. Yes.

8 Q. And in response I'm going to direct
9 your attention to page one which is Walter
10 Longo's response. Do you see whether Mr. Longo
11 responded to your question?

12 A. Yes, not in this e-mail. He
13 responded to me in the previous e-mail he sent
14 to me, November 9th.

15 Q. What did he say?

16 A. I have to check that e-mail but he
17 reported to me a sort of job description the
18 position in cargo for director marketing
19 communication.

20 Q. Other than preparing a list of
21 e-mail questions to Mr. Longo, what else did
22 you do as part of your investigation of Ms.
23 Lorusso's complaints?

24 A. I collect the information from Mr.
25 Longo and Mr. Giulio Libutti.

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2 Q. How did you first contact Mr.
3 Giulio Libutti regarding Ester Lorusso's
4 complaint?

5 A. I sent an e-mail to Mr. Giulio
6 Libutti who was working in Rome.

7 Q. Mr. Porru, I'm showing you what's
8 been marked as Porru Exhibit 2 which is an
9 e-mail chain at the top right of the page it
10 indicates it's five pages long and the first
11 e-mail on page one is dated November 9, 2006
12 from Giulio Libutti to yourself.

13 A. Yes.

14 (Whereupon, the aforementioned
15 document was marked as Porru Exhibit 2
16 for identification as of this date by
17 the Reporter.)

18 Q. Just for clarity purposes, it looks
19 as though Mr. Libutti cut and pasted your
20 original e-mail into another e-mail and
21 superimposed his responses right under your
22 inquiries; is that correct?

23 A. I think, yes, it's correct.

24 MR. KORAL: Right under. I think
25 sometimes they're actually --

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2 Q. Right into your inquiries. Is this
3 the e-mail you just referred to in your last
4 answer?

5 A. Yes, it is.

6 Q. I'm going to direct your attention
7 to page two of this e-mail under the heading
8 elimination of Lorusso's position in 2004 and
9 promotion to general manager of GA 2000. I'm
10 going to read it for the record. "No. 1, one
11 basis for Lorusso's sex discrimination
12 complaint seems to have been that the other
13 directors in the passenger division were male
14 and that hers was the only director position
15 eliminated. What was the rationale for
16 eliminating Lorusso's position?" And then in
17 response Mr. Libutti states "the previous vice
18 president of GA 2000 was a male and has been
19 fired...and the marketing director position has
20 been eliminated only after Mrs. Lorusso
21 accepted the new position in GA 2000 with a
22 huge increase of salary...the simple rationale
23 was a H.O. decision to centralize all marketing
24 activities and above all, the marketing
25 budget." And then it looks like it goes back

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2 during your investigation?

3 A. Yes, because the investigation was
4 still open until the job elimination of Ms.
5 Lorusso was eliminated.

6 Q. In the paragraph I just read, one
7 of Mr. Libutti's responses to the question "who
8 besides you participated in the decision," in
9 response Mr. Libutti says "Gallo/Galli". Is
10 that Francesco Gallo and Pierre Andrea Galli?

11 A. I think it's your answer is
12 correct.

13 Q. Could it be anyone else?

14 A. I don't know any other Gallo or
15 Galli in Alitalia company.

16 Q. In response to this statement by
17 Mr. Libutti, did you speak with Mr. Gallo?

18 A. No.

19 Q. In response to Mr. Libutti's
20 statement, did you speak with Mr. Galli?

21 A. No.

22 Q. Why not?

23 A. Mr. Gallo was already out of the
24 company and I didn't plan to meet him for this
25 reason.

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2 eliminations so I'm not sure if you mean her
3 ultimate job elimination or her job elimination
4 at passenger or her job elimination at GA 2000
5 or something else?

6 A. After her elimination in 15 January
7 2007.

8 Q. Is that January 15th, is that when
9 Ms. Lorusso was terminated from Alitalia?

10 MR. KORAL: Objection.

11 A. No, she was communicated that her
12 job position was eliminated.

13 Q. Was she offered another job
14 position?

15 A. I don't recall.

16 Q. You don't recall whether Ms.
17 Lorusso was offered another job position?

18 A. Not at this time. I have to check
19 my file.

20 Q. Mr. Porru, I'm going to show you
21 what's been marked as Porru Exhibit 3. This is
22 a letter from you to Ester Lorusso dated
23 January 18, 2007. The first sentence states
24 "after I presented you with a special severance
25 package prepared for you in connection with the

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2 elimination of your position and the impending
3 termination of your employment, you rejected it
4 outright." Does that refresh your recollection
5 as to whether Ms. Lorusso was offered another
6 job position at Alitalia?

7 A. Yes, we spoke about her job
8 elimination and the possibility for her to
9 accept a severance package because she was a
10 director and we decided to treat her in a
11 special way instead of giving only the regular
12 severance for the job elimination.

13 (Whereupon, the aforementioned
14 document was marked as Porru Exhibit 3
15 for identification as of this date by
16 the Reporter.)

17 MS. KURZON: Move to strike the
18 unresponsive portions.

19 Q. Mr. Porru, does that refresh your
20 recollection as to whether Ms. Lorusso was
21 offered another job position at Alitalia?

22 A. Yes.

23 Q. Was Ms. Lorusso offered another job
24 position at Alitalia?

25 A. No.

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2 Q. What would you check?

3 A. If I was in Rome in that period.

4 Q. Mr. Porru, I'm going to direct your
5 attention to page three of five of Porru
6 Exhibit 2 which we were previously looking at.
7 Specifically No. 5 at the top of the page. I
8 understand there are two number five's on this
9 page. Page three, No. 5 at the top of the
10 page. You asked Mr. Libutti the following
11 question, "when the general manager position
12 ended, Lorusso's salary which had been raised
13 substantially when she got the job, was cut
14 back to a director's level. Did you make that
15 decision?" In response Mr. Libutti states "no,
16 it was a cargo decision." Did you follow up
17 with Mr. Longo or anyone else at cargo
18 regarding that decision?

19 A. No, because as I already told you,
20 it was part of my plan to proceed the
21 investigation since Ms. Lorusso decided to end
22 the investigation.

23 Q. If I could direct your attention to
24 page four of five under the title Lorusso's
25 transfer to the cargo department. Under No. 1

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2 employment with Alitalia?

3 A. I don't know.

4 Q. Did you speak with Mr. Marchese
5 after Mr. Libutti advised you that he would be
6 someone you should speak with?

7 A. No, I didn't speak with him about
8 this point.

9 Q. Was that because Mr. Marchese was
10 no longer employed by Alitalia?

11 A. No, because it was a part of my
12 investigation to collect all the information
13 and proceed with direct feedback first of all
14 with Mr. Libutti and Mr. Longo and then
15 involving the other people in the answers.

16 Q. After you received all this
17 information from Mr. Longo and Mr. Libutti, did
18 you feel it was necessary to continue the
19 investigation?

20 A. Absolutely yes.

21 Q. What did you do, if anything, in
22 connection with continuing the investigation?

23 A. I planned to proceed in the
24 investigation as soon as the timing and the
25 scheduling of my job allowed me. And then when

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2 I was communicated about the situation of Ms.
3 Ester Lorusso I asked her a meeting and she
4 decided not to meet me.

5 Q. When was this meeting requested to
6 be held?

7 A. Sorry the meeting with who?

8 Q. The meeting you just referenced
9 where you requested a meeting with Ester
10 Lorusso but she declined to appear?

11 MR. KORAL: Why don't you rephrase
12 that and ask when he asked her to have a
13 meeting?

14 Q. When did you request a meeting with
15 Ester Lorusso?

16 A. In January.

17 Q. In January?

18 A. Yes.

19 Q. 2007?

20 A. Yes.

21 Q. What was the purpose of this
22 meeting?

23 A. The purpose was to proceed
24 investigation of her complaint.

25 Q. Did this meeting take place?

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2 A. No, because she didn't accept to
3 proceed on the investigation.

4 Q. When did you learn that Ester's
5 last position with Alitalia was going to be
6 eliminated?

7 A. It was in December, around mid
8 December.

9 Q. And how did you learn of this?

10 A. Mr. D'llario who was the chief of
11 cargo came from Rome and told me that the head
12 office took that decision in connection with
13 worldwide cargo re-organization.

14 Q. Prior to mid December when Mr.
15 D'llario told you that the head office took the
16 decision to re-organize worldwide cargo, did
17 you have any impression regarding Ms. Lorusso's
18 job security?

19 A. No, as I wrote to Ms. Lorusso, her
20 concern about the job was unjustified.

21 Q. But, in fact, her job was
22 eliminated?

23 MR. KORAL: Objection.

24 A. It was due to worldwide cargo
25 re-organization which I was not aware of when I

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2 wrote to Ms. Lorusso.

3 Q. During this deposition we often
4 refer to the head office. For example, the
5 head office made the decision. Who exactly do
6 you mean at the head office?

7 MR. KORAL: Objection.

8 Q. If you understand my question you
9 can answer.

10 A. I mean the cargo division with the
11 human resources department. I don't know if
12 it's involved also somebody other. That's all
13 I know.

14 Q. Is there someone in particular in
15 the cargo, human resources department in the
16 head office that you're referring to?

17 A. It was Mr. Luca Bruni who was HR
18 international for foreign markets and that's
19 all I know.

20 Q. Did you investigate any other
21 complaints of Ester Lorusso Lorusso's other
22 than the one we discussed today?

23 A. No, this is the only one I
24 investigated. You mean of Ester Lorusso?

25 Q. Of Ester Lorusso, yes.

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2 investigation but following her termination did
3 you continue to investigate her complaint?

4 MR. KORAL: Objection.

5 A. No, I didn't continue because after
6 I sent to Ms. Lorusso a letter asking a meeting
7 which she was not interested in, I decided not
8 to continue.

9 Q. Did you put your decision not to
10 continue the investigation in writing?

11 A. I don't recall.

12 Q. Is it your practice to put such a
13 decision in writing?

14 A. Yes, it's a practice. I remember I
15 sent a similar letter to Mr. Marioti saying
16 that the matter was closed because he was not
17 interested in continuing my investigation. I
18 don't recall if I sent to Ms. Lorusso too.

19 Q. Other than Ms. Lorusso's complaints
20 of age and gender discrimination and Mr.
21 Marioti's complaints of sex discrimination,
22 have you investigated any other complaints in
23 your capacity as either human resource director
24 of the Americas or human resource director
25 North America or human resource manager for